

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION**

CNS INTERNATIONAL	)	
MINISTRIES, INC.,	)	
Plaintiff,	)	
v.	)	Case No. 2:21-cv-00065
ROBERT KNODELL,	)	
Defendant.	)	
	)	
	)	

**DEFENDANT’S MOTION FOR SUMMARY JUDGMENT ON COUNT I**

This is a Section 1983 action in which Plaintiff seeks declaratory and injunctive relief and brings as-applied challenges to the constitutional validity of several provisions of the recently adopted Residential Care Facility Notification Act, Mo. Rev. Stat. §§210.1250 to 210.1286, (RCFNA), and the Missouri Department of Social Services’ implementing regulations regarding license exempt residential care facilities (LERCFs). The Amended Complaint (Ct. Doc. 23) consists of seven counts, all of which remain at issue. Defendant is filing three separate summary judgment motions that, collectively, address all seven counts.

Count I presents discrete legal questions. Defendant, through counsel, pursuant to Rule 56(b) of the Federal Rules of Civil Procedure and Local Rule 4.1, moves the Court to grant summary judgment in his favor and against

Plaintiff on Count I. There is no genuine issue of material fact and Defendant is entitled to judgment as a matter of law on Count I.

As discussed in greater detail in Defendant's legal memorandum in support of this motion for summary judgment, contemporaneously filed and incorporated herein by reference, in Count I, Plaintiff seeks relief under 42 U.S.C. §290dd-2. 42 U.S.C. §290dd-2 does not create or authorize a private right of action. The court lacks subject matter jurisdiction over the claims raised in Count I.

Moreover, the notification and background check requirements applicable to Plaintiff's LERCF do not require Plaintiff to disclose any records or information that is confidential under 42 U.S.C. §290dd-2.

WHEREFORE, Defendant respectfully requests that this Court grant this motion for summary judgment.

Respectfully submitted,

**ERIC S. SCHMITT**

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/s/ Emily A. Dodge

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ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that on the 7th day of November, 2022, the foregoing was filed and served via the Court's electronic filing system upon all counsel of record.

/s/ Emily A. Dodge

Emily A. Dodge

Assistant Attorney General